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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,328	08/18/2003	Alfredo Edwin Gunara	IDF 2281 4000-12100	4005

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EXAMINER	
FRANCIS, MARK P	
ART UNIT	PAPER NUMBER
2193	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/643,328	GUNARA ET AL.	
	Examiner	Art Unit	
	Mark P. Francis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13,15,16,18,19,22,24-32 and 34-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13,15,16,18,19,22,24-32 and 34-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed November 11, 2006.

2. Per applicants' request, claims 1-12,14,17, 20-21, 23, 33 have been cancelled, claims 13,15-16,18,22,24-27,31, 34 have been amended and claims 39-56 have been newly introduced.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13, 15-16, 18-19, 22, 24-32, 34-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Mack. (U.S. Pat 6,158,031)

Independent claims

With respect to claim 13, Mack discloses A method of testing software, (Col 2:50-65, "...programs that run on a digital computer...system under test...") comprising:

providing software under testing;(Col 3:30-45, "...the computer software based model to simulate the behavior...")

providing a script to a test controller, (Col 3:40-55, "...automatically generates test scripts...") wherein the script includes a plurality of messages

and each of the plurality of messages has a message component and a data

component;(Col 4:50-65, "...Controller also receives incoming messages...")
communicating each of the plurality of messages in the script, by the test controller, under direction of the message component: of each of the plurality of messages to a corresponding one of a plurality of simulators simulating an application that communicates with the software under testing;(Col 4:50-67, "...Controller also receives incoming messages...Simulator provides simulation...") and
testing the software by the simulator performing the script; (Col 7:10-25, "...particular test scenario to be simulated for testing...")and
displaying, a result of the testing. (Col 7:31-45, "...in the form of a computer software based model for the test scenario is automatically generated...")

With respect to claim 13, Mack discloses a system for testing software, (Col 2:50-65, "...programs that run on a digital computer...system under test...") comprising: a test scenario operable to maintain a message having a script portion and a data portion; (Col 7:32-50, "...based model for the test scenario...")a simulator to simulate an application in communication with the software to be tested; (Col 4:50-67, "...Controller also receives incoming messages...Simulator provides simulation...")
a test controller operable to obtain the message from the test scenario (Col 7:33-55, "...Scenario simulator...determines what messages to construct or expect...") and communicate at least a portion of the message to the simulator, (Col 7:50-67, "...scenario simulator...")wherein a portion of the script portion designates the direction of communication between the simulator(Col 5:40-55, "...The outputted simulator...")

and the software to be tested; (Col 6:25-40, "...into an executable software programming language in a different form to enable automatic simulated testing of the system under test...")

and a tool to develop at least the script portion of the message(Col 6:19-35, "...generating test tools...") and provide the at least script portion of the message to the test scenario. (Col 5:49-67, "...preferably in the form of test scripts...which acts as a test script...")

With respect to claim 39, Mack discloses a system for testing software, comprising: a test scenario operable to maintain a message; (Col 7:10-35, "...test scenario...")

a simulator to simulate an application in communication with the software to be tested; (Col 5:5-50, "...Simulator...provides an accurate model of the behavior of the simulated entity...")

a test controller operable to obtain the message from the test scenario (Col 4:50-65, "...Controller also receives incoming messages...") and communicate at least a portion of the message to the simulator;(Col 4:50-67, "...provides input to the simulator...")

and a tool to develop at least a portion of the message and provide the at least portion of the message to the test scenario, (Col 6:19-35, "...generating test tools...") wherein the tool is operable to develop a plurality of messages (Col 7:35-60, "...determines what messages to construct...") and provide the plurality of messages to the test scenario in a manner such that the test controller promotes execution of a portion of the plurality of messages in a substantially sequential manner (Col 7:7-30, "...test case scenario

specification...")and a portion of the plurality of messages in a substantially consecutive manner. (Col 7:30-50, "...The inputted scenario specification is preferably...of the order in which specific messages should be sent...")

Dependent claims

With respect to claim 15, the rejection of claim 13 is incorporated and further, Mack discloses that the message component directs the corresponding one of the plurality simulators to wait to receive a response from the software being tested. (Col 5:1-15, "...Simulator is responsive to messages...")

With respect to claim 16, the rejection of claim 13 is incorporated and further, Mack discloses that the message component directs the corresponding one of the plurality simulators to transmit at least a component of the data to the software.(Col 6:10-30, "...Behavior of the independent components...")

With respect to claims 19 and 43, the rejection of claim 18 and 39 are incorporated respectively and further, Mack discloses that the simulator simulates the application to test the software by utilizing the portion of the message. (Col 5:1-25, "...Simulator is responsive to messages...")

With respect to claims 22 and 46, the rejection of claim 18 and 45 are incorporated respectively and further, Mack discloses that a portion of the script portion of the message is associated with an identification of the simulator. (Col 9:40-67, "...When a primitive/message is received from the SUT...")

With respect to claims 24 and 48, the rejection of claims 18 and 45 are incorporated respectively and further, Mack discloses that a portion of the script portion includes an expected value. (Col 9:20-35, "...that conforms to the tag...")

With respect to claim 25 and 49, the rejection of claims 18 and 45 are incorporated respectively and further, Mack discloses that a portion of the script portion includes a delay between execution of the message and a second message. (Col 9:10-20, "...to the beginning of a message...")

With respect to claim 26, the rejection of claim 18 is incorporated and further, Mack discloses that the tool is also operable to develop the data portion of the message by associating a data object with the data portion of the message. (Col 6:19-40, "...generating test tools...")

With respect to claim 27, the rejection of claim 18 is incorporated and further, Mack discloses that the tool is also operable to develop the data portion of the message by receiving test data. (Col 6:19-40, "...generating test tools...")

With respect to claim 28 and 51, the rejection of claims 27 and 50 are incorporated respectively and further, Mack discloses that the simulator is operable such that the test data is passed by the simulator to the software to be tested. (Col 5:1-25, "...Simulator is responsive to messages...")

With respect to claim 29 and 52, the rejection of claims 27 and 50 are incorporated respectively and further, Mack discloses that the simulator is operable such that the test data is compared by the simulator to data received from the software to be tested. (Col 5:1-25, "...Simulator is responsive to messages...")

With respect to claims 30 and 53, the rejection of claims 18 and 39 are incorporated respectively and further, Mack discloses that the messages each include an instruction component (Col 7:32-55, "...The inputted scenario specification...") and wherein the simulator is operable to receive the message from the test controller (Col 5:40-67, "...The outputted simulator...") instruction component simulating the application in communication with the software to test the software. (Col 5:1-25, "...Simulator 122 is responsive to messages...")

With respect to claim 31, the rejection of claim 18 is incorporated and further, Mack discloses that the system further includes a second simulator and wherein the tool is operable to develop a plurality of messages in a manner such that the test controller

promotes execution of the plurality of messages by at least one of the simulator(Col 6:19-40, "...generating test tools...") and second simulator in a substantially sequential manner.

With respect to claim 32, the rejection of claim 18 is incorporated and further, Mack discloses that the system further includes a second simulator and wherein the tool is operable to develop a plurality of messages in a manner such that the test controller promotes execution of the plurality of messages by at least one of the simulator(Col 465-67, "...Simulator provides simulation...") and second simulator in a substantially consecutive manner. (Col 7:30-50, "...The inputted scenario specification is preferably...of the order in which specific messages should be sent...")

With respect to claims 34 and 54, the rejection of claim 18 and 39 are incorporated respectively and further, Mack discloses that the tool is operable to develop the messages as reusable objects. (Col 6:19-30, "...generating test tools...")

With respect to claims 35 and 55, the rejection of claim 34 and 54 are incorporated respectivley and further, Mack discloses that the tool is operable to change the order by which the plurality of messages is executed without modifying a content of the message. (Col 7:30-50, "...The inputted scenario specification is preferably...of the order in which specific messages should be sent...")

With respect to claim 36, the rejection of claim 34 is incorporated and further, Mack discloses that the tool is operable to adjust a position of one or more of the plurality of message in the test scenario and thereby change the order by which the plurality of messages are executed. (Col 7:30-50, "...The inputted scenario specification is preferably...of the order in which specific messages should be sent...")

With respect to claim 37, the rejection of claim 18 is incorporated and further, Mack discloses that the software is further defined as a software component. (Col 7:50-67, "...C++ executable code...")

With respect to claim 38, the rejection of claim 18 is incorporated and further, Mack discloses that the software is further defined as an application. (Col 7:50-67, "...C++ executable code...")

With respect to claim 40, the rejection of claim 39 is incorporated and further, Mack discloses that the simulator executes a first portion of the portion of the plurality of messages that are executed in the substantially sequential manner and at least a second simulator executes a remaining portion of the portion of the plurality of messages that are executed in the substantially sequential manner, and wherein the portion of the plurality of messages that are executed in the substantially consecutive manner includes each of the first portion and the remaining portion. (Col 7:30-50,

"...The inputted scenario specification is preferably...of the order in which specific messages should be sent...")

With respect to claim 41, the rejection of claim 40 is incorporated and further, Mack discloses that the simulator executes the first portion in the substantially consecutive manner and at least the second simulator executes the remaining portion in the substantially consecutive manner. (Col 7:30-50, "...The inputted scenario specification is preferably...of the order in which specific messages should be sent...")

With respect to claim 42, the rejection of claim 41 is incorporated and further, Mack discloses that at least one; of the first portion and the remaining portion are executed by the simulator and at least the second simulator in a substantially concurrent manner. (Col 7:30-50, "...The inputted scenario specification is preferably...of the order in which specific messages should be sent...")

With respect to claim 44, the rejection of claim 39 is incorporated and further, Mack discloses that the message is further defined as having a script portion and a data portion(Col 7:32-50, "...based model for the test scenario...")

With respect to claim 45, the rejection of claim 39 is incorporated and further, Mack discloses that the tool is operable to develop the script portion of the message. (Col 3:40-67, "...The test scripts...")

With respect to claim 47, the rejection of claim 45 is incorporated and further, Mack discloses that a portion of the script portion designates the direction of communication between the simulator and the software to be tested. (Col 5:1-25, "...Simulator is responsive to messages...")

With respect to claim 50, the rejection of claim 44 is incorporated and further, Mack discloses that the tool is operable to develop the data portion of the message by associating a data object with the data portion of the message or by receiving test data. (Col 5:1-25, "...Simulator is responsive to messages...")

With respect to claim 56, the rejection of claim 54 is incorporated and further, Mack discloses that the tool is operable to adjust a position of one or more of the plurality of message in the test scenario and thereby change the order by which the plurality of messages are executed. (Col 6:20-30, "...generating test tools...")

Response to Arguments

5. Applicant's arguments filed on November 27, 2006 have been fully considered with respect to claims 13,15-16,18,22,24-27,31, 34 but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until afterthe end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T.An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.